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# Fair Housing News



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## Our Mission

*To create equal housing opportunities for all persons in America by administering laws that prohibit discrimination in housing on the basis of race, color, religion, sex, national origin, disability, and familial status.*

## HUD Signs Consent Decree with the Hearst Newspapers Partnership Following Charge of Discrimination

HUD has entered into a consent decree with the Hearst Newspapers Partnership whereby the company will pay \$25,000 to resolve charges that one of its newspapers, the San Antonio Express-News, published housing ads that discriminated on the basis of race, religion, sex, familial status, and national origin.

The consent decree, signed on July 30, 2004, follows HUD's issuance of a charge of discrimination on behalf of the Fair Housing Council of Greater San Antonio on July 13, 2004. The consent decree also requires that the San Antonio Express-News staff undergo fair housing training.

The HUD charge stemmed from an April 2002 complaint filed by the Fair Housing Council of Greater San Antonio, one of many private, nonprofit organizations funded by HUD through its Fair Housing

Initiatives Program (FHIP) to investigate alleged violations of the Fair Housing Act.

The San Antonio FHIP had been investigating possible violations of the Fair Housing Act by the paper since late 2000. Typical of the illegal ads, which ran between November 2000 and October 2002, were the following:

"WALZEN Area, Hispanic or White male pref., to share home..."

"2/1 House, Beautiful historic house, in Beacon Hill, See to apprec. No pets/children..."

Under the Fair Housing Act, it is illegal to publish housing ads that express a preference based on an individual's race, color, religion, national origin, sex, disability, and familial status.

## HUD's 2004 National Fair Housing Training Conference and Housing Policy Summit Attracts over 1,900 Attendees

From June 13-18, 2004, HUD held its National Fair Housing Training Conference and Housing Policy Summit in Washington, DC. Over 1,900 people attended the conference, including representatives from state and local government agencies, private fair housing organizations, the banking industry, real estate associations, and disability rights organizations.

The conference theme, "Keepers of the Dream," was inspired by Dr. Martin Luther King's "I Have a Dream" speech.

The ceremony opened with a display of over 70 banners designed by HUD's fair housing partners throughout the county. Designed especially for the conference, each banner reflects the organization's fair housing mission and the community



**John Bryant, Founder and CEO of Operation HOPE, addresses the audience at the 2004 National Fair Housing Training Conference and Housing Policy Summit**

they serve. The banners are currently on display at HUD headquarters in Washington, DC.

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## Fair Housing News

### HUD Reaches Settlement with California Condominium Complex for Alleged Disability Rights Violations

On July 27, 2004 HUD and a Palo Alto-based nonprofit fair housing partner announced that the owners of the 384-unit Skyway Terrace condominiums in San Jose, CA, have agreed to spend \$505,000 to make its apartments and common areas accessible to persons with disabilities.

The owner, Shell and Branham Residential Properties and the property's general contractor, ABL Properties, have also agreed to put another \$200,000 in escrow for use by any disabled San Jose-area resident who needs to retrofit his or her apartment.

The conciliation agreement is the result of an audit conducted by Project Sentinel, a HUD Fair Housing Initiatives Program participant, and a subsequent investigation conducted by HUD, into alleged violations of the Fair Housing Act at Skyway Terrace.

The Fair Housing Act prohibits housing discrimination because of race, color, religion, sex, national origin, familial status or disability. Project Sentinel is one of many private, nonprofit organizations funded by HUD through FHIP to investigate violations of the Fair Housing Act.

Project Sentinel Executive Director Ann Marquart said her organization's investigation found such violations as wheelchair ramps with excessive slopes, excessive slopes immediately in front of exterior doors, no wheelchair-accessible routes to some buildings, and automatic doors that open and close too quickly. Investigators also found door thresholds that are too high; drinking fountains that require excessive force to operate; toilet room grab bars that are too short; mailboxes that are not accessible for people in wheelchairs; and restrooms and kitchens that were

too small for people in wheelchairs to maneuver in.

According to the provisions of the agreement, the retrofits will include modifying entrances, creating more accessible mail receptacles in the mailroom, modifying doors in the corridors, exercise room, and public bathrooms, and making the common area kitchen and bathrooms accessible. Other retrofits may include the widening of doors, lowering thresholds, and making lavatories accessible.

The Fair Housing Act requires that HUD attempt to resolve every complaint by conciliation prior to the issuance of a determination on the merits of the allegations. This conciliation agreement concludes HUD's investigation of this case, without a formal determination of whether the alleged practices violated the law.

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### HUD Launches the National Fair Housing Training Academy

On August 9, 2004, HUD welcomed the first class of the new National Fair Housing Training Academy (NFHTA).

NFHTA, which will be permanently located at Miner Hall on the campus of Howard University in Washington, DC, is the educational arm of HUD's Office of Fair Housing and Equal Opportunity. The NFHTA was established to provide training to housing discrimination investigators from Fair Housing Assistance Program (FHAP) agencies.

NFHTA will offer basic and advanced certification to investigators that successfully complete the required training courses.

Investigators will be required to earn continuing education credits to maintain their certification. NFHTA is currently only offering basic certification courses but expects to begin offering advanced courses in 2006.

Courses for basic certification instruct investigators on conducting fair and ethical investigations, obtaining and documenting the facts and circumstances of the case, and using critical thinking when writing investigation reports.

HUD developed the curriculum and obtained the site and faculty for NFHTA in collaboration with the USDA Graduate School, Howard University, the District of



**The first class of the National Fair Housing Training Academy**

Columbia Office of Human Rights, and other FHAP agencies.

### HUD Charges Boise Publisher with Violations of the Fair Housing Act

On August 10, 2004, HUD charged Doug Bourkland, president of Want Ads of Boise, Inc., and publisher of the Thrifty Nickel, with violating the Fair Housing Act by accepting and publishing housing ads that excluded potential owners and renters because of their familial status.

The charge stems from a September 2003 complaint filed by the Intermountain Fair Housing Council (IFHC), a nonprofit organization whose mission is to ensure inclusive housing for all people throughout Idaho.

On numerous occasions between August and October 2003, the IFHC found the locally published Thrifty Nickel newspaper published housing advertisements that indicated a preference based on familial status that excluded children.

Typical of the illegal ads were the following:

August 28, 2003 – “FOR RENT: Small, furnished, 1 bedroom house \$500 per month, utilities paid. No children or pets...

August 28, September 4, and September 18, 2003 – “...2 bedroom mobile home located in a great adult-type park in Mountain Home \$295...

September 18, 2003 – “TOWNHOUSE in newer subdivision- 2 bedroom, 2.5 bath, two car garage air, gas, fireplace, Deadend culdesac. Private, quiet, central to downtown, airport, Micron, BSU. Ideal for the students, couples, empty nesters. ...

This is the second fair housing complaint HUD investigated against the Thrifty Nickel, a publication with a circulation of 42,000. In 1996, a housing discrimination complaint was filed against Bourkland for publishing a rental advertisement in the Thrifty Nickel specifying “no children.” The complaint was conciliated and closed by HUD in 1998. As part of the conciliation, Thrifty Nickel employees who accepted ads were required to receive training in the advertising requirements of the Fair Housing Act.

A hearing on the current charges will be held by a U.S. Administrative

Law Judge on November 16, 2004 in the Boise area, unless either the complainant or respondent elect to have the case decided by a federal judge in U.S. District Court.

Housing discrimination charges heard before an ALJ carry a maximum civil penalty of \$11,000 for a first offense – more if the respondent has committed prior violations of the Act – plus actual damages for the complainant, injunctive or other equitable relief, and attorney fees.

Should the case go to district court, either party may request a jury trial. A district court may award all of the damages available in an administrative proceeding, and may also award punitive damages.

In either forum, the case is brought on behalf of the complainant, and prosecuted by an attorney from either HUD or the U.S. Department of Justice.

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### Assistant Secretary Peoples Addresses Annual IAHORA Conference

Assistant Secretary for Fair Housing and Equal Opportunity Carolyn Peoples addressed the 56<sup>th</sup> Annual Conference of the International Association of Official Human Rights Agencies (IAOHRA), on August 9, 2004, in Chicago.

Assistant Secretary Peoples used the occasion to discuss HUD's ongoing efforts to enforce the nation's fair housing laws, helping to ensure that every resident of this nation has the opportunity to obtain the housing of his or her choice.

Specifically, Assistant Secretary

Peoples talked about particular HUD initiatives that are designed to reduce discrimination, protect the rights of persons with disabilities, increase homeownership opportunities for more minority families, and inform the public about their housing rights.

In addition, Assistant Secretary Peoples discussed the role IAOHRA member organizations play in promoting civil rights and human services around the world and explained how those activities complement and support HUD's fair housing goals.



**Assistant Secretary Carolyn Peoples**

Representatives attended this year's conference from more than 150 civil and human rights agencies.

## HUD Office of Fair Housing and Equal Opportunity

451 7<sup>th</sup> Street, SW  
Washington, DC  
20410

If you feel your housing rights have been violated, you can file a fair housing complaint by:

Calling: 1-800-669-9777  
TTY: 1-800-927-9275

OR

Complete an online form at:

[www.hud.gov/fairhousing](http://www.hud.gov/fairhousing)



The conference speakers were leaders in government, housing, and civil rights. Featured presenters included HUD Secretary Alphonso Jackson, Deputy Secretary Roy Bernardi, and U.S. Representatives Gary Miller, Patrick Tiberi, and Katherine Harris. The attendees also heard keynote addresses from John Bryant, founder and CEO of Operation HOPE; Franklin Raines, president and CEO of Fannie Mae; and Gordon Joyner, executive director of the Georgia Commission on Equal Opportunity.

Additionally, the conference included workshops covering topics such as using testing as an investigative tool, performing outreach to underserved communities, obtaining remedies and damages in fair housing complaints, and increasing minority homeownership.

As part of the conference, HUD held an awards dinner to recognize outstanding Fair Housing Assistance Program (FHAP) agencies and Fair Housing Initiatives Program (FHIP) organizations. The following partners were honored at the dinner.

**Toward Excellence Award:** The New York State Division of Human Rights and the Silver State Fair Housing Council (Nevada)

**Innovation Award:** The Pennsylvania Human Relations Commission, California Department of Fair Employment and Housing, Fair Housing of Marin (California), and Fair Housing Center of South Puget Sound (Washington)

**Partnership Award:** The King County (Washington) Office of Civil Rights, Southwest Fair Housing Council (Arizona), and Project Sentinel (California)

**Education and Outreach Award:** The City of Reading (Pennsylvania) Human Relations Commission, Utah Anti-discrimination and Labor Division, and Piedmont Housing Alliance (Virginia)

The conference concluded with the launching of the National Fair Housing Training Academy. General Deputy Assistant Secretary Floyd O. May provided an overview of the academy, which will be permanently located at Howard University in Washington, DC.

HUD OFFICE OF FAIR  
HOUSING AND EQUAL  
OPPORTUNITY

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